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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,811	02/04/2004	Bernard Wamakulasooriya	130-022	3967

62898 7590 03/28/2007  
MCGUINNESS, MANARAS & EMC  
125 NAGOG PARK  
ACTON, MA 01720

EXAMINER

PHAN, RAYMOND NGAN

ART UNIT	PAPER NUMBER
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2111

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/28/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/771,811

Applicant(s)

WARNAKULASOORIYA ET AL.

Examiner

Raymond Phan

Art Unit

2111

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **Part III DETAILED ACTION**

#### ***Notice to Applicant(s)***

1. This action is responsive to the following communications: RCE filed on January 29, 2007.
2. This application has been examined. Claims 1-7 are pending.

#### ***Specification***

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over White (US No. 6,260,079) in view of Gavlik (US No. 6,745,325).

In regard to claims 1, 4, White discloses an apparatus comprising a plurality of serial bus controllers 1440, 1442 (see figure 14, col. 23, lines 10-16); a serial bus 1438 coupled to the plurality of serial bus controllers 1440, 1442 (see figure 14, col. 23, lines 10-16), the serial bus for collecting environment (see figure 10, col. 15, lines 38-55) and status information (see table 5b) associated one or more devices included in the enclosure (see col. 15, lines 38-56); an arbitration mechanism for controlling access to the serial bus by the plurality of serial bus controllers (see col. 23, lines 48-67), the arbitration mechanism comprising a redundant control line 1502 (see col. 23 line 48 through col. 24, line 11). But

White does not specifically disclose wherein each of the plurality of serial bus controllers is assigned a different number  $n$  of a period  $t_d$  for driving the control signal after a delay  $t_1$  when seeking to take control of the serial bus. However Gavlik discloses the serial interface controller comprising each of the plurality of serial bus controllers is assigned a different number  $n$  of a period  $t_d$  for driving the control signal after a delay  $t_1$  when seeking to take control of the serial bus (see col. 8, line 27 through col. 9, line 35). Therefore, it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to have combined the teachings of Gavlik into the teachings of White because the failure of any microcontroller does not prevent any other microcontroller from being programmed and also provide full autonomous programming of multiple microcontrollers via 2-wire interface.

In regard to claims 2, 5, White discloses a circuit 1444 in each of the serial bus controllers for monitoring the control lines to ascertain whether the serial bus is in use (see figure 14, col. 23, lines 10-19).

In regard to claims 3, 6-7, Gavlik discloses a circuit in each of the serial bus controllers for driving the control lines for a predetermined period of time if the serial bus is not in use, and for then releasing the control lines and monitoring the control lines to ascertain whether the control line are being driven by the another controller (see col. 8, line 27 through col. 9, line 35). Therefore, it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to have combined the teachings of Gavlik into the teachings of White because the failure of any microcontroller does not prevent any other microcontroller from being programmed and also provide full autonomous programming of multiple microcontrollers via 2-wire interface.

***Response to Arguments***

6. In view of remark filed on October 25, 2006, claims 1-7 have been fully considered but they are not deemed to be persuasive.

Applicant(s) argue that ... White et al. fail to teach the plurality of serial controller connected to the serial bus... (pages 5-6). The Examiner does not agree. White et al. disclose controllers 1444 and 1446 (i.e. serial controller) connected to the serial bus 1438 (see figure 14, col. 23, lines 8-18). The controllers 1444 and 1446 is for collecting environmental and status information associated one or more devices included in the enclosures (see col. 23, lines 12-18).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the combination of references White et al. and Gavlik.

In response to applicant's argument that the combination of White et al. and Gavlik, the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413,

208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

The remaining claims are rejected for at least the same reason as stated above since they are dependent claims.

### ***Conclusion***

7. All claims are rejected.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Raymond Phan, whose telephone number is (571) 272-3630. The examiner can normally be reached on Monday-Friday from 6:30AM- 4:00PM.

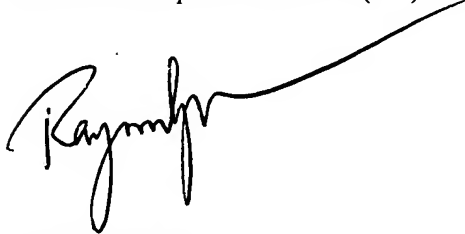
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart can be reached on (571) 272-3632 or via e-mail addressed to mark.rinehart@uspto.gov. The fax phone number for this Group is (571) 273-8300.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [raymond.phan@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 central telephone number is (571) 272-2100.

A handwritten signature in black ink, appearing to read 'Raymond Phan', with a long, sweeping horizontal line extending to the right.

**Raymond Phan**  
**March 21, 2007**